

[*Daily v. Portland General Electric Co.*, 88-ERA-40 \(Sec'y Mar. 1, 1990\)](#)

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U.S. DEPARTMENT OF LABOR

SECRETARY OF LABOR
WASHINGTON, D.C.

DATE: March 1, 1990
CASE NO. 88-ERA-40

IN THE MATTER OF

JAMES H. DAILY, JR.,
COMPLAINANT,

v.

PORTLAND GENERAL ELECTRIC CO.,
RESPONDENT.

BEFORE: THE SECRETARY OF LABOR

ORDER APPROVING SETTLEMENT AGREEMENT
AND DISMISSING CASE

This case arises under section 210, the employee protection provision, of the Energy Reorganization Act of 1974, as amended (ERA), 42 U.S.C. § 5851 (1982). The record in this case includes the [recommended] Stipulation and Order of Dismissal signed by counsel for each party and the Administrative Law Judge (ALJ), issued June 19, 1989, the parties' Settlement Agreement and Release in Full of All Claims (Settlement Agreement), submitted in response to my order of November 6, 1989, and a letter dated November 15, 1989, signed by counsel for both parties.¹

The Settlement Agreement appears to encompass the settlement of matters arising under various laws, only one of which is the ERA. As stated in *Poulos v. Ambassador Fuel Oil Co., Inc.*, Case No. 86-CAA-1, Secretary's Order, issued November 2, 1987, slip op. at 2.

(The Secretary's) authority over settlement agreements is limited to such statutes as are within [the Secretary's] jurisdiction and is defined by the applicable statutes. *See Aurich v. Consolidated Edison Company Of New York*, Case No. [86-]CAA-2, Secretary's Order Approving Settlement, issued July 29, 1987, *Chase v. Buncombe County, N.C.*, Case No. 85-SWD-4 Secretary's Decision and order on Remand, issued November 3, 1986.

I have, therefore, limited my review of the agreement to determining whether the terms thereof are a fair, adequate and reasonable settlement of Complainant's allegation that Respondent violated the ERA.

Accordingly, I find the terms of the agreement within the scope of my authority under the ERA, to be fair, adequate and reasonable, and to that extent I approve it. The complaint in this case is DISMISSED with prejudice. Settlement Agreement, para. 3.

SO ORDERED.

ELIZABETH DOLE
Secretary of Labor

Washington, D.C.

[ENDNOTES]

¹With respect to provisions of the Settlement Agreement dealing with confidentiality, I would note that Freedom of Information Act, 5 U.S.C. § 552 (1982), requires Federal agencies to disclose requested records unless the records are exempt from disclosure under that Act.